

CCASE:
SOL (MSHA) V. BLUE ROCK INDUSTRIES
DDATE:
19790423
TTEXT:

Federal Mine Safety and Health Review Commission (F.M.S.H.R.C.)
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

Civil Penalty Proceedings

Docket No. WILK 79-11-PM
A.O. No. 17-00123-05001

v.

Cumberland Pit & Mill

BLUE ROCK INDUSTRIES,
RESPONDENT

Docket No. WILK 79-12-PM
A.O. No. 17-00001-05001

Westbrook Quarry & Mill

DECISION AND ORDER APPROVING SETTLEMENT

As the result of a settlement conference held on April 10, 1979, the operator agreed to pay \$700 in settlement of six of the seven violations charged. The Secretary in turn agreed to withdraw the other violation. The amounts agreed upon exceed the penalties proposed by the Assessment Office.

Based upon an independent evaluation and de novo review of the circumstances of each violation as reflected in the parties' prehearing submissions, the representations made at the settlement conference, and the factors set forth in the Secretary's motion to approve settlement, I find the settlement proposed is in accord with the purposes and policy of the Act.

Accordingly, it is ORDERED that the motion to approve settlement be, and hereby is, GRANTED subject to payment and furnishing of a letter from the president of respondent assuring me that steps have been taken to prevent a recurrence of the violation involving the lubrication of machinery in motion, including, if necessary, disciplinary action against errant employees. It is FURTHER ORDERED that respondent pay the agreed upon penalty of \$700.00 and furnish the letter of assurance on or before Wednesday, May 2, 1979. Finally, it is ORDERED that, subject to receipt of payment and the required letter, the captioned petitions be DISMISSED.

Joseph B. Kennedy
Administrative Law Judge